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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,284	01/26/2004	Tomohiro Shinoda	KAW-314-USAP	6476
28892	7590	06/19/2007	EXAMINER	
SNIDER & ASSOCIATES			LEE, BENJAMIN WILLIAM	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/763,284	Applicant(s) SHINODA, TOMOHIRO	
	Examiner Benjamin W. Lee	Art Unit 3714	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 May 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


KIM NGUYEN
PRIMARY EXAMINER

Continuation of 11: The examiner respectfully disagrees with the applicant's arguments on pages 3-5. Claim 1 recites the limitation "trading card which stores character data and has a surface printed with a detail of the character data." Claim 1 does not positively recite a computer memory (e.g. flash memory, RAM, hard disk, etc.) for storing character data. Printing text and pictures on the face of a card, as is disclosed in Nakamura, may be considered storage of character data (information about the character is preserved (stored) for a period of time).

The examiner respectfully disagrees with the applicant's arguments on pages 6-8. The examiner did not use card 68 in Nakamura to reject the claim limitation of storing character data. The printed text and pictures viewable on the surface of the card store character data. Furthermore, print is not limited to the surface of the card. It is well known that ink is absorbed into the printing paper. Thus, the printed card of Nakamura discloses storing character data in the card.

The examiner respectfully disagrees with the applicant's arguments on pages 8-10. As explained above, printing on a card is also considered storage of data. The examiner agrees with the applicant's interpretation of "reading", "writing", and "printing" in the computer arts, but the examiner does not agree that the claim language places the memory aspect of the invention in the computer arts. The limitation "trading card which stores character data of a character" does not limit the memory aspect of the invention to the computer arts.

The examiner respectfully disagrees with the applicant's arguments regarding claims 10 and 12 on page 10. The motivation to combine references does not have to come from the references themselves if the motivation was knowledge generally available to one of ordinary skill in the art. Using multiple color printing instead of monochromatic printing to make printed matter more visually attractive (increase aesthetic appeal) was well-known in the art at the time the invention was made.

Regarding the applicant's arguments pertaining to the dictionary definitions of "data" and "print" on page 10, the examiner agrees that "data" and "print" are not equivalent. However, the examiner did not equate "data" with "print" in the rejection of the claims. The printed matter on the card of Nakamura includes text and images (information or data). As reinforced by the dictionary definitions of "data" provided by the applicant, "data" is generally defined as "two or more individual facts or pieces of information." The printed matter on the card of Nakamura has several pieces of information (e.g. HP, MP, character name, and a picture of the character). Furthermore, even if the definition of "data" is limited to its computer science definition, the card of Nakamura may still be considered to store character data. As provided by the applicant's dictionary reference, the computer science definition of "data" is a 1) a group of one or more characters (alphanumeric, binary, or other), representing basic elements of information that can be processed or produced by a computer, or 2) the representation of facts, numbers, or concepts that can be communicated, stored, and processed to form information. In this case, the alphanumeric characters on the card of Nakamura are produced by a computer, or facts, numbers, and concepts are communicated, stored, and processed to form information.